



## Townsend Council Meeting Minutes August 3, 2016

### 7:30 pm – Council Meeting

- I. Call to Order: 7:30 pm
- II. Opening Ceremonies
  - a. Roll Call: Mayor Rudy Sutton, CM John Ness, CW Lorraine Gorman, CM Jermaine Hatton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
  - b. Pledge of Allegiance: Pledge was said.
  - c. Recognition of Visitors: 2
  - d. Announcements: none
- III. Additions/Deletions to Published Agenda:
  - a. CM Ness said Corporal Walker is here for Lt. Hudak.
  - b. CM Hatton asked to remove both discussions under the finance report.
  - c. CM Ness motioned, CM Hatton seconded with unanimous vote to accept the agenda with the above changes.
- IV. Mayors Report
  - a. Mayor Sutton said he would like to help the Town become more efficient. He met with Solar City and they went all around Town. They don't have a lot of commercial accounts on the east coast but have many on the west coast. They are working with peers on the west coast to enable them to give us an estimate on solar for the Town, in hopes of reducing the price we pay for our street lights. Our goal is to not raise taxes.
- V. Reports
  - a. State Police: Corporal Walker
    - Speeding on Main Street and Wiggins Mill Road has been brought to my attention.
    - Corporal Walker said he often patrols Main Street. In reference to the no U-turns in front of the school – it needs a beginning and ending point. There need to be 2 signs on each side of the street with a time frame and an area (ex: from this point to that point).
    - There have been many complaints about speeding on Main Street. Would like all to know I have never clocked anyone going more than 10 miles over the speed limit on Main Street. If there is a certain time for speeding on any of the Town streets, please let us know so we can have patrols there.
    - Residents said some of the worst speeders are bus drivers. Corporal Walker asked the residents to get the school bus numbers of the speeders.
    - Police are aware of the drug problems on Commerce Street and the homes are being watched.
  - b. Representative Jeff Spiegelman
    - Out of session until January. It is election year and a fun time to be a politician.
    - CW Cook asked Rep Jeff about the solar panel bill he is working on. She added that their homeowners association doesn't permit solar panels although many people have them.
    - Rep Jeff said someone from TVII called me about this. The bill you are referencing didn't go anywhere but people whose houses were built before certain dates are grandfathered and can have solar installed. He added a better solar bill will be introduced in January.

- c. Townsend Fire Department: Richard Greene – not here
- d. Town Attorney Fred Townsend III:
  - Grassbusters litigation: trial is scheduled for May. The discovery period has commenced and another deadline coming up is an expert witness in concrete to write a report. Working with TE Hyne to find someone. Have some other ideas as well.
- e. Town Engineer Owen Hyne:
  - TVI and TVII home construction continues.
  - South Street, Phase 4 – intersection floods because of the cloth over the drainage. These cloths have all been removed.
  - Town Hall – sediment ran over the sidewalks during the storm. Met with the contractor yesterday what still needs to be done. Emailed TM Green and Mayor Sutton the 2 week schedule to finish the job. Still need to finish the sidewalks and street and fix the neighbor's yard. Suppi hasn't been here yet and penalties continue to accrue.
  - Mayor Sutton asked how much Suppi is holding up Bailey's Landscaping from completing their portion of the job.
  - TE Hyne stated Suppi still has grading to do around the front steps. Once the sod is in the dirt won't wash away with the rain and Bailey's is renting a special machine to lay the sod once they can.
  - Mayor Sutton asked TE Hyne to get a price from Bailey's to fix the grade around the steps.
  - TA Townsend said with TE Hyne's help, he can send a letter with the time frame to have the work complete and if it isn't done the Town can use the retainage to hire another contractor to finish the job.
  - TE Hyne liquidated damages are at \$2,000.00 a day now.
  - CM Hatton said we only have \$84,000 left in the contract and we are even with that now. We can clearly show he is in breach of contract and asked what the termination clause is. If we can break the contract, we will have the \$84,000 to finish the work, we have to quit extending the contract and move on.
  - TE Hyne said he will look into it; there have been a lot of broken schedules.
  - Mrs. Huff said they have been waiting for a long time to get our yard fixed and if it isn't done we will take Suppi and the Town to court. We are even considering selling our home. All we want is our yard back the way it was.
  - Mayor Sutton guaranteed Mrs. Huff that no matter what Suppi does, her yard will be done. He asked TE Hyne and TM Green to get the yard fixed immediately and suggested Bailey's could possibly do it.
  - CW Gorman asked when the paving will be done in TVII West. It was supposed to be last week and they haven't been back.
  - TE Hyne said he will check into this and follow up with an email.
- f. Town Manager Dawson Green:
  - George started working on the weed issues along Main Street.
  - New trees can't be planted until the fall.
  - Ran an ad for the IT position; it is open until 8/19/16. Three people have called for more information.
  - The temporary stop sign was installed on South Street at Gray Street.
  - The inlets have been fixed.
  - The open hole on Commerce Street has been covered and yellow caution tape put around it.
  - Haven't been able to connect with the contractor for the concrete pads for the Konox boxes on Finley Street.

- Still waiting for revised bids on the solar panels for Town Hall. TM Green asked Mayor Sutton if Solar City was going to submit a bid for the solar and the street lights.
- Mayor Sutton said yes, they are working with peers on the west coast now to come up with a bid.
- The ordinance for parking restriction on Main Street was passed. Asked Council if they decided on signage; would like to move forward with this. May take DelDot several months to make and install the signs.

## VI. Committee Reports

### a. Finance: Chair – CM Jermaine Hatton

- Discussion/consider approving FY 2017 Budget – deleted from agenda
- Discussion/consider approving Fee Schedule – deleted from agenda
- Removed the above items from the agenda because they need to be done in conjunction with the new fee schedule, which isn't ready yet.
- The 2015 audit is complete and signed off.
- Information on a solar grant came out that we are looking into. TE Hyne will follow up on it. The grant was just updated permitting municipalities to apply for it.

### b. Public Works: Chair – Mayor Rudy Sutton

- Mayor Sutton said George is doing a great job cleaning up Main Street and he isn't using any chemicals. He asked Council how they would feel about him using round-up on the sidewalks and streets. It won't damage anything and will help address the issues in a timely manner.
- CW Cook asked TA Townsend if the Town took pictures of what it all looks like, then cleaned everything up, would it suffice for the lawsuit. She added the streetscape looks terrible and needs addressed.
- TA Townsend said he will have to ask Noel and get back to Council. It won't damage the concrete.
- Mayor Sutton said we won't move forward until we hear from TA Townsend.
- Mr. Fitzhugh asked if the Town drains are going to be cleaned. He added that state law says they have to be cleaned, they breed mosquitos. There are 2 drains on my side of South Street that I'm concerned a
- Mayor Sutton asked TM Green to have George clean all the Town drains.
- Ms. Willey said there are state and town drains in Town. We used to keep all of them clean and it wouldn't hurt us to clean the state drains again. If we wait for the state to do it, it won't be done.
- Mayor Sutton said he agrees it is our Town but we have to follow protocol.
- Mr. Haines said Middletown takes care of everything in their Town, even if it is a state road.
- Mayor Sutton said we aren't Middletown an don't want to be; we only have 3 employees.

### c. Land Use & Development: Co-Chairs – CM Jermaine Hatton & CW Lorraine Gorman – Nothing to report.

### d. Community Relations: Chairs – CW Cindy Cook

- The Peach Festival in Middletown is 8/15/16.
- Emailed Council for suggestions for volunteer of the year award. Residents can also submit suggestions to me via email or phone.

### e. Public Safety: Chair – CM John Ness

- Will have police for traffic control for the parade and fair.
- The State police canine unit, aviation unit and mounted patrol will all participate in the parade and fair again this year. Also contacted the NCC police to see if they want to join our parade and fair. Haven't heard back.

- Will contact Appoquinimink to contact the bus companies to not speed in Townsend.
  - A resident said his vehicle was stolen from Main and Taylor Street. Police recovered it within 12 hours; the thief's had it for sale on Craig's list.
  - TM Green added that Mr. and Mrs. Auguston, corner of Lattamos and Commerce Street came in and reported their car windshield was broken over the weekend. The police did file a report.
- f. Parks & Recreation: Chair – CW Lorraine Gorman
- Skate Park Addition
    - I. Mr. Banks came to the last meeting and proposed installing a new piece in the skate park in honor of his grandson. It is moving forward.
  - Upcoming Events
    - I. “Zootopia” - Movie under the Stars – Townsend Municipal Park –8/19/16 at 8:30 pm
      - a. This is a free event, open to everyone.
      - b. Premier is co-sponsoring this movie.
      - c. Iron Source is supplying the lighting for the parking lot.
    - II. Town Parade & Fair – 9/24/16
      - a. This event grows every year.
      - b. Need volunteers 7:00 am 3:00 pm, even if only for an hour.
  - Contacted Warriors Helping Warriors to see about donating several desks to their organization. He is picking them up tomorrow and will see what else they may need.

**VII. Citizens Comments & Participation**

- a. Residents asked why Town vehicles are still being driven home at night and being used for personal use after hours. Trucks should be left here after hours.
- b. Mayor Sutton said since he came onto Council it has been done, not sure who decided to do this. He added that they aren't aware of employees using the trucks for personal use after hours.
- c. Ms. Sturgis told Council employees started taking vehicles home at night because a truck was vandalized at the old Town Hall. Don't believe that will happen here and there are cameras here.

**VIII. Motion to Recess for Executive Session:** CM Ness motioned, CM Hatton seconded with unanimous vote to recess for executive session at 8:51 pm.

**IX. Motion to Convene Executive Session:**

In accordance to 29 Del. C. §10004 (b) (9) the Town Council will be meeting in executive session to discuss personnel matters.

**X. Motion to close Executive Session & Re-Convene Mid-Month Meeting:**

**XII. Adjournment:**